

NOTIFICATION
GOVERNMENT OF MAHARASHTRA
URBAN DEVELOPMENT DEPARTMENT
Mantralaya, Mumbai-400 032.
Dated the 22nd December, 2006.

The
Maharashtra
Municipal
Councils,
Nagar
Panchayats
and
Industrial
Townships
Act, 1965

No.BNM 5005/46/CR-7(III)(C)/UD-32.- Whereas general election of various Municipal Councils have been held recently;

And whereas, elections to the Chairman of the Subject Committees will be taken shortly thereafter;

And whereas it is considered expedient to regulate the elections to the aforesaid posts;

And whereas Government of Maharashtra is satisfied that circumstances exist which render it necessary to take immediate action and for that purpose to dispense with the condition of previous publication of the rules to be made in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) and second proviso to sub-section (2) of section 321 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965) and of all other powers enabling it in that behalf and in supersession of the existing rules, order or instructions, in so far as they relate to the conduct of election to the offices of the Chairman of the Subject Committees, the Government of Maharashtra hereby makes the following rules, namely;

1. SHORT TITLE :- These rules may be called the Maharashtra Municipal Councils (conduct of elections to Chairman of subject Committees) Rules 2006;

2. Special meeting for Election to Chairman of the subject committees :- (1) for the purpose of holding elections to Chairman of the Subject Committees, after general elections of the Council and whenever there is a vacancy in the office of a chairman of the subject committees to fill such vacancy, a special meeting shall be held by the Council.

(2) The Collector shall, fix a date for holding the special meeting under sub-rule (1):

Provided that, notice of such meeting shall be given to all councillors at least three clear days prior to such meeting.

(3) The special meeting so called, shall not be cancelled or adjourned.

3. Submission of nomination paper: (1) Any councillor who intends to contest the election to the said posts shall submit his nomination in the Form-I appended to these rules within the period of two hours fixed for filing such nominations on the day of meeting to the Chief Officer of the Council in person.

(2) Each nomination paper shall state the name of the candidate in full and be subscribed by one councillor as proposer and another as seconder.

(3) No councillor shall propose or second the nomination of more than one candidate.

Provided that the Councillor who acts as proposer or seconder shall not be eligible to contest for the post of Chairman of the Committee.

(4) Nothing in this rule shall prevent any candidate from submitting more than one nomination paper.

Provided that, not more than four nomination papers shall be presented by or on behalf of any candidate.

4. Presiding Authority : (1) The special meeting shall be presided over by the Collector or such other officer as he may nominate.

Provided that the Collector or such other officer shall have no right to vote.

5. Scrutiny of nomination and withdrawal of candidature: (1) All nominations received by the Chief Officer shall be handed over to the presiding authority on the day of meeting, after the meeting begins.

(2) The presiding authority shall scrutinise all the nominations so received and may reject the nominations subscribed in contravention of rule 3. The presiding authority shall then read out the names of all validly nominated candidates.

(3) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the presiding authority within 15 minutes from the time of reading out the names of duly nominated councillors under the preceding sub-rule.

(4) No person who has given a notice of withdrawal of his candidature under sub-rule (3) shall be allowed to cancel the notice.

(5) The presiding authority shall, read out to the councillors present, the names of the candidates withdrawing their candidatures.

6. Election procedure and the declaration of election result: (1) If only one valid nomination is received the presiding authority shall declare such candidates as duly elected.

(2) If the number of validly nominated candidates is more than the seats to be filled in, the presiding authority shall arrange the names of contesting candidates in alphabetical order.

(3) The presiding authority shall announce the name of each contesting candidate in the alphabetical order and shall take **voting by show of hands**. The names of the councillors who have voted in favour of such candidate shall be recorded in the minutes.

(4) The presiding authority shall ensure that,- (i) every member who desires to cast his vote is given fair and reasonable opportunity of casting his vote and the vote so cast is recorded properly against the name of the candidate in whose favour the vote is cast; (ii) the councillor whose vote is recorded once shall not be allowed to recast or change his vote for that post.

(5) The presiding authority shall also record the names of those councillors who abstain from voting.

(6) The presiding authority after recording the names of the councillors who have voted or abstained from voting and shall announce the number of votes secured by each contesting candidate.

(7) The presiding authority after declaring the number of votes polled by each contesting candidate shall proceed to declare the result. The list of the candidates shall then be prepared in accordance with the ascending order in which the candidates have secured votes. The candidate who poll highest number of votes, in accordance with such ascending order (but not exceeding the number of seats to be filled in) shall be declared as duly elected.

(8) In case of equality of votes the presiding authority shall declare that the result of the election shall be decided by drawing lots. The lots will be drawn by such person as may be decided by the majority of the Councillors present and entitled to vote.

(9) The candidate on whom the lot falls shall be declared to be validly elected to the said post.

(10) The presiding authority besides recording the proceedings in writing shall also cause the proceedings to be recorded by way of videography, to ensure free and fair elections.

(11) The presiding authority may take necessary help of Chief Officer of the Council in conducting the election process.

FORM - I
[See Rule 3(1)]

Election to the ChairmanCommittee Municipal
Council.

I hereby nominateas a Chairman for election to the
.....Committee of the Municipal Council.

Full Name of the candidate

Full postal address of the candidate

Name / Number of the ward / panel from which the candidate is elected
as councillor

Full name of the proposer

(Signature of the proposer)

Full name of the Seconder

(Signature of the seconder)

Date :

DECLARATION BY THE CANDIDATE

I hereby assent to this nomination and signify my willingness to act as Chairman of the Committee of the Municipal Council if elected.

Date : (Signature of the candidate)

(To be filled by officer appointed to receive nomination papers)

Sr.No. of the nomination paper(hour) on
(date) by the*proposer/candidate.

Date : (Signature of the officer)

* Score out the word not applicable.

By order and in the name of the Governor of Maharashtra,

F. B. Khan
Deputy Secretary to Government